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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/996,514	11/28/2001	John Klein	A34617	3524
21003	7590	03/09/2006	EXAMINER	
BAKER & BOTTS 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			NGUYEN, TU X	
			ART UNIT	PAPER NUMBER
			2684	

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/996,514

Applicant(s)

KLEIN ET AL.

Examiner

Tu X Nguyen

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/26/06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-10,-12-13 is/are pending in the application.
- 4a) Of the above claim(s) 4 and 11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-9 and 12 is/are rejected.
- 7) ☒ Claim(s) 3,7,10 and 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's arguments, filed 1/26/06, with respect to claims 1, 6 and 8, have been considered but are not persuasive.

In response to Applicant argument, page 6, 3rd paragraph, "Wright does not describe transmitting from an access point to said mobile unit beacon signals that also include data...". The Examiner respectfully disagrees; Wright discloses a wireless router 201 (corresponds to access point transmitter) continuously broadcasts an interrogation beacon that contains information representative of the emitted power level restrictions (reads on "beacon signals that also include data representing transmitter power level for said access point").

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2,5-6, 8-9 and 12, are rejected under 35 U.S.C. 102(e) as being anticipated by Wright et al. (US Pub. 2002/0018008).

Regarding claim 1, Wright et al. disclose a wireless local area network (see par.011) wherein mobile units receive beacon signals from access points and associate

Art Unit: 2684

with access points for data communications therewith, a method for controlling transmitter power level of a mobile unit, comprising:

transmitting from an access point to said mobile unit beacon signals that also include data representing transmitter power level for said access point (see par.055);

receiving at said mobile unit said access point transmitter power level data; and adjusting transmitter power level of said mobile unit in accordance with the value of said access point transmitter power level data (see par.055).

Regarding claim 2, Wright et al. disclose adjusting power level of said mobile unit comprises setting said mobile unit to a power level corresponding to said access point transmitter power level data (see par.055).

Regarding claims 5 and 12, Wright et al. disclose adjusting power level of said mobile unit is performed when said mobile unit associates with an access point (see par.055).

Regarding claim 6, Wright et al. disclose a receiver for receiving data signals including beacon signals from said access points (see par.054) transmitting at different transmitter power levels (see par.086), comprising:

a transmitter responsive to said access points transmitter power level signals to transmit at a selected transmitter power level corresponding to said transmitter power level signals (see par.055); and

a processor (see 22, fig.3), coupled to process data signals from said receiver and programmed to derive access points' transmitter power level data included in said

beacon signals received from said access points and to provide corresponding transmitter power level signals to said transmitter (see par.055).

Regarding claim 8, Wright et al. disclose a method for controlling interference in a wireless local area network having access points and mobile units (see par.059), comprising:

providing access points including access points with adjustable transmitter power level and distributing said access points over an area with varying spacing between access points (see 201, 212, fig.4),

adjusting the transmitter power of said adjustable transmitter power level access points according to said access point spacing, wherein access points with greater spacing have greater transmitter power (see par.085);

providing power level data representing transmitter power of said adjustable power level access points, and transmitting said power level data from each of said adjustable power level access points (see par.055);

providing mobile units having transmitters responsive to power level data representing transmitter power of said adjustable power level access points for adjusting transmitter power of said mobile units (see par.055); receiving said power level data at said mobile units and providing power level signal corresponding thereto to said mobile unit transmitters wherein said access points transmit beacon signals for use by mobile units to associate with one of said access points, and wherein said power level data is transmitted within said beacon signals (see par.055).

Regarding claim 9, wright et al. disclose said power level data signals represent the same power level as said power level data (see par.055).

Allowable Subject Matter

4. Claims 3, 7, 10 and 13, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 3, 7, 10 and 13, the prior arts fail to teach "adjusting power level of said mobile unit comprises setting said mobile unit to a power level a selected amount greater than a power level corresponding to said access point transmitter power level data", as cited in the claims.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2684

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed Tu Nguyen whose telephone number is 571-272-7883. The examiner can normally be reached on Monday through Friday from 8:30AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MAUNG NAY A, can be reached at (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

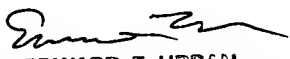
Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

TN

February 23, 2006


EDWARD F. URBAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2000